REMARKS

Applicants appreciate the Examiner's review of the present application and respectfully request reconsideration based on the previous amendments and following remarks. Applicants assert that this response shows that all claims are allowable, or alternatively more clearly defines the issues for appeal. Claims 1-13 are pending in the present application.

By way of clarification, Applicants **do not** admit that the subject matter of Claim 4 is prior art. Claim 4 is a further limitation of "media segments" as recited in Claim 1, as explained further below.

Rejections under 35 U.S.C. 103(a)

The Examiner has rejected Claims 1-13 under 35 U.S.C. §103(a) as being anticipated by Picco et al. (U.S. Patent No. 6,029,045) in view of Hite (5,774,170) and in further view of Perine (4,814,883). Applicants respectfully traverse this rejection.

Picco describes a system for splicing local content commercials in a live feed. The present invention is directed towards dynamically creating a personalized message. Applicants assert that these are different systems.

More specifically, the Examiner states that Picco teaches a system to "dynamically insert commercials to an audience of viewers". Applicants respectfully assert that this is not what is claimed by Claim 1. Claim 1 recites "A system for dynamically **creating** a personalized message for an intended audience ..." Claim 1 line 1, emphasis added. Claims 10 and 13 include similar language. The present invention as claimed includes the ability to dynamically create a personalized message by assembly of the personalized message. Picco does not teach this. Picco discloses inserting local content commercials into the television data stream. See Col. 5 lines 50-64. This is not what is claimed by the present invention.

5

The Examiner states that Picco discloses "several media segments correspond to a same one of said media segment slots of said message template" in that Picco Fig. 4 shows a database 146 holding local content. Applicants respectfully disagree. First, Claim 1 recites "a plurality of media segments, each media segment **corresponding to** one of said media segment slots of said message template", Claim 1 lines 7-8, emphasis added. In the invention as claimed, there exists a correspondence between each media segment and a media segment slot in the message template. A media segment is comprised of selected audio, video, background, animation, graphics and voice (as disclosed and recited in Claim 4). Thus, a media segment slot is filled by an appropriate selected one of said corresponding media segment during dynamically creating a personalized message according to the present invention. Picco does not disclose this feature. Picco inserts local content into local content space 74, see Fig. 2 and Col. 5 lines 49-54, but does not disclose each media segment corresponding to a media segment slot, as recited in Claim 1.

Further, Claim 1 recites "wherein several of said media segments **correspond to a same one of said media segment** slots of said message template". Claim 1 lines 8-9, emphasis added. Since Picco does not disclose any correspondence between a media segment and a media segment slot, as previously described, Picco certainly does not disclose this additional feature of a correspondence of several media segments to a same media segment slot.

The Examiner states that Picco discloses "a plurality of expert rules" and refers to Picco Col. 8 lines 7-22, in that Picco discloses "content data and profile rules". Applicants can not find any description of this "content data" and/or "profile rules" in Col. 7 or Col. 8 of Picco, and respectfully request the Examiner to provide a detailed explanation of how Picco discloses "a plurality of expert rules", or to withdraw the rejection. Further, Applicants assert that Picco does not disclose "a **message assembly component**, responsive to user profile data of said intended audience **to apply said plurality of expert rules to said user profile data** in order to select appropriate media segments for each of said media segment slots of said message template, in order to assemble said personalized message for said intended audience." Claim 1 lines 11-14, emphasis added. Applicants respectfully request the Examiner to show which features of Picco correspond to this recitation, or to withdraw the rejection.

Accordingly, Applicants assert that neither Picco nor any of the other cited references either alone or combined disclose these features as claimed in Claim 1. The same arguments apply to the recitations in independent Claims 10 and 13, and Applicants assert that all independent claims, and all claims that depend upon them, are allowable.

Regarding the feature of "wherein at least one media segment slot overlaps another media segment slot" as recited in the independent claims, the Examiner states that Perine (4,814,883) "teaches that media segment slots may overlap in Col. 5, lines 23-37 as clearly shown in Figure 1." Applicants respectfully disagree. Perine at Col. 5 lines 23-37 merely shows that time blocks on different **television channels** will overlap. Perine is describing a scheduling problem, where overlapping time blocks on different channels prevent the transmitting of a commercial simultaneously on the different channels. Applicants assert this has nothing to do with the recitation of the present invention. The present invention recites a message template, comprising a plurality of media segment slots, wherein at least one media segment slot overlaps another media segment slot, Claim 1 lines 5-6, Claim 10 lines 4-5, and Claim 13 lines 5-6, generally. Perine does not disclose this feature of message assembly for personalized messages. Applicants assert that neither Perine, or any of the other cited references either alone or combined disclose this feature.

Accordingly, Applicants assert that independent Claims 1, 10 and 13 are allowable over the cited prior art, and that all claims dependent upon them are also allowable.
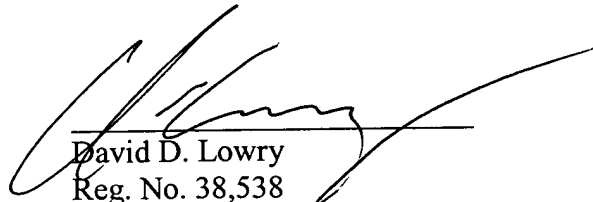
7

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. Alternatively, the present arguments more clearly define the issues for appeal. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

In the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefor.

Respectfully submitted,

Dated: 11/3/03

David D. Lowry
Reg. No. 38,538
Customer No. 21710
Attorney for Applicants

BROWN RUDNICK BERLACK ISRAELS LLP
Box IP, 18th Floor
One Financial Center
Boston, MA 02111
Tel: 1-617-856-8399
Fax: 1-617 856-8201

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8